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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,247	06/27/2001	Koichi Hatakeyama	Q65047	2062
7590	07/27/2004		EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS 2100 Pennsylvania Avenue, N.W. Washington, DC 20037			RHODE JR, ROBERT E	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/891,247	HATAKEYAMA, KOICHI
	Examiner Rob Rhode	Art Unit 3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 June 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ .	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/891247, filed on 6/27/2001.

### ***Claim Objections***

Claims 2 and 9 are objected to because of the following informalities: In the claims, the word "form" is misspelled. The applicant needs to review and correct all such errors through out the disclosure.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1 – 14 are rejected under 35 U.S.C. 102(e) as being unpatentable over Ogasawara (US 6,577,861 B2).**

Regarding claim 1 and related claims 6, 8 and 13, Ogasawara teaches a simple payment method and system for merchandise purchased by a mobile telephone terminal, comprising the steps of:

transmitting a request, which merchandise information desired by a mobile telephone terminal and storing in a server is transmitted from said server to a mobile telephone terminal for an on-line shopping, from said mobile telephone terminal to said server (see at least Abstract and Figures 5 – 8); receiving said desired merchandise information transmitted from said server at said mobile telephone terminal (see at least Col 2, lines 39 – 64 and Figure 2); making a purchase order for merchandise desired by said mobile telephone terminal at said mobile telephone terminal (see at least Figure 5); inserting a prepaid card or a debit card into a slot of a card reader provided in said mobile telephone terminal (see at least Col 4, lines 46 – 50 and Figure 3); inputting a password of a user who ordered said desired merchandise to said mobile telephone terminal (see at least Col 5, lines 2 – 29); transmitting said purchase order, information of said prepaid card or said debit card, and said password to said server from said mobile telephone terminal (see at least Figures 2, 6 and 7); confirming said purchase order and said information of said prepaid card or said debit card at said server, and at the same time comparing said password with a password registered beforehand in said server at said server (see at least Figures 2, 6 and 7); authenticating said purchase order and said information of said prepaid card or said debit card and said password at said server (see at least Col 16, lines 11 – 30); instructing to deliver said merchandise to an address registered beforehand corresponding to said password when said server

authenticated said information transmitted from said mobile telephone terminal (see at least Col 1, lines 43 - 46); and subtracting the amount of said delivered merchandise from said prepaid card or the bank account of said debit card at said server (see at least Col 18, lines 20 – 54).

Regarding claim 2 and related claim 9, Ogasawara teaches a simple payment system for merchandise purchased by a mobile telephone terminal, wherein said server transmits merchandise information at said on-line shopping to said mobile telephone terminal by responding to the access form said mobile telephone terminal (Abstract and Figure 2).

Regarding claim 3 and related claim 10, Ogasawara teaches a simple payment system for merchandise purchased by a mobile telephone terminal, wherein said server compares said information read by said card reader and a password inputted from said mobile telephone terminal with information registered in said server beforehand and confirms the authenticity of said information read by said card reader and said password (Figures 2, 6, 7 and 9).

Regarding claim 4 and related claim 11, Ogasawara teaches a simple payment system for merchandise purchased by a mobile telephone terminal, wherein said server instruct to deliver said merchandise ordered by said mobile telephone terminal on said on-line shopping to an address registered beforehand corresponding to said mobile telephone terminal when said server authenticated said information transmitted from said mobile

telephone terminal (see at least Abstract, Col 1, lines 43 – 46 and Figures 2, 6, 7 and 9).

Regarding claim 5 and related claims 7, 12 and 14, Ogasawara teaches a simple payment system for merchandise purchased by a mobile telephone terminal, wherein said card reader is assembled in said mobile telephone terminal or is connected to said mobile telephone terminal (Figures 2 and 4).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **(703) 305-8230**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeff Smith** can be reached on **(703) 308-3588**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

***Commissioner for Patents***

**P.O. Box 1450**

**Alexandria, Va. 22313-1450**

or faxed to:

Application/Control Number: 09/891,247  
Art Unit: 3625

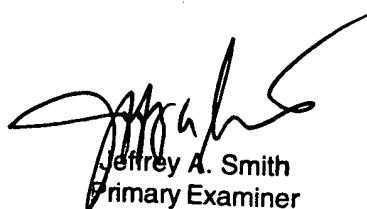
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**(703) 872-9306** [Official communications; including  
After Final communications labeled  
"Box AF"]

**(703) 746-7418** [Informal/Draft communications, labeled  
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal  
Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

RER



Jeffrey A. Smith  
Primary Examiner